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Power & Water Solutions, Inc. and
13 *Brendan Wesolowski*

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA
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18 DEBORAH KIM, an individual,
19 Plaintiff,
20 v.
21 BRENDAN WESOLOWSKI, an individual;
EMERSON AUTOMATION SOLUTIONS, a
22 corporation; and DOES 1-10, inclusive,
23 Defendants.
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CASE NO.: 2:24-cv-00785-JAD-MDC

**AMENDED STIPULATION TO EXTEND
DISCOVERY DEADLINES PURSUANT
TO LR 26-3 AND [PROPOSED] ORDER**

1 Plaintiff, DEBORAH KIM and Defendants BRENDAN WESOLOWSKI and EMERSON
 2 PROCESS MANAGEMENT POWER & WATER SOLUTIONS, INC., by and through their
 3 respective counsel, pursuant to District of Nevada LR 26-3 and pursuant to the November 4, 2024
 4 Order of the Magistrate Judge, Hon. Maximiliano D. Couvillier III (ECF 26), hereby submit this
 5 amended stipulation to a continuance of discovery deadlines as follows:

6 **A. STATEMENT SPECIFYING COMPLETED DISCOVERY:**

- 7 1. The parties have exchanged their FRCP 26 initial disclosures, as well as multiple
- 8 supplements thereto;
- 9 2. The parties have produced documents and exchanged written discovery; and
- 10 3. The parties deposed a witness to the incident.

11 **B. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED:**

- 12 1. Deposition of plaintiff Deborah Kim;
- 13 2. Depositions of defendants Brendan Wesolowski and Emerson Process Management
- 14 Power & Water Solutions, Inc.;
- 15 3. Depositions of plaintiff's treating physicians; and
- 16 4. Depositions of defendant's experts.

17 **C. REASONS THAT DISCOVERY WILL NOT BE COMPLETED IN THE TIME**
 18 **LIMITS:**

19 On or around October 30, 2024, the parties agreed to mediate this auto accident case before
 20 incurring certain discovery costs (including, the cost of expert reports, expert depositions, and the
 21 PMK deposition of Defendant Emerson Process Management Power & Water Solutions, Inc.) On
 22 or around November 4, 2024, the parties selected a mediator and a mediation date – the parties will
 23 mediate on or around January 14, 2025 (the parties will complete the deposition of plaintiff
 24 Deborah Kim, the independent medical examinations of plaintiff, and the deposition of defendant
 25 Brendan Wesolowski before mediation).

26 Further, on or around October 28, 2024, plaintiff informed defendants that she was
 27 recommended for a new surgery with a new surgeon, for injuries that she allegedly sustained in (or
 28 as a result of) the incident alleged in the complaint. On October 29, 2024, plaintiff identified the

1 new surgeon in its supplemental FRCP 26 initial disclosures. Plaintiff agreed to supplement her
 2 document production and written discovery responses with the new information. Defendants will
 3 need additional time to review these responses and documents and conduct discovery.

4 **D. STATEMENT OF GOOD CAUSE:**

5 The parties are mediating on or around January 14, 2025, and agree that after mediation
 6 there will be time to complete discovery. Therefore, the parties agree to a 75-day extension of all
 7 remaining deadlines. There is good cause for this extension because 1) the parties agreed to mediate
 8 the matter before incurring certain discovery costs, and 2) on or around October 28, 2024, plaintiff
 9 informed defendants of her new surgery with a new surgeon. The parties stipulated to the requested
 10 extension and proposed the stipulation to the Court as soon as practicable.

11 **E. CURRENT SCHEDULE FOR COMPLETING DISCOVERY:**

12	Initial Expert Disclosure:	November 18, 2024
13	Rebuttal Expert Disclosure:	December 18, 2024
14	Close of Fact Discovery:	December 19, 2024
15	Close of Expert Discovery:	January 17, 2025
16	Dispositive Motion Deadline:	February 18, 2025
17	Joint Pre-Trial Order:	March 20, 2025

18 **F. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

19	Initial Expert Disclosure:	February 3, 2025
20	Rebuttal Expert Disclosure:	March 3, 2025
21	Close of Fact Discovery:	March 4, 2025
22	Close of Expert Discovery:	April 2, 2025
23	Dispositive Motion Deadline:	May 5, 2025
24	Joint Pre-Trial Order:	June 3, 2025

25 **G. CURRENT TRIAL DATE:**

26 There is no trial date set for this matter.

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1 WHEREFORE, the parties respectfully request this Honorable Court adopt the parties'
2 foregoing discovery stipulation.

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4 Respectfully submitted,

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7 Dated this 4th day of November 2024


8 LAGSTEIN LAW FIRM, P.C.

9
10 /s/ Eran Lagstein

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15 *Attorney for plaintiff Deborah Kim*

Dated this 4th day of November 2024

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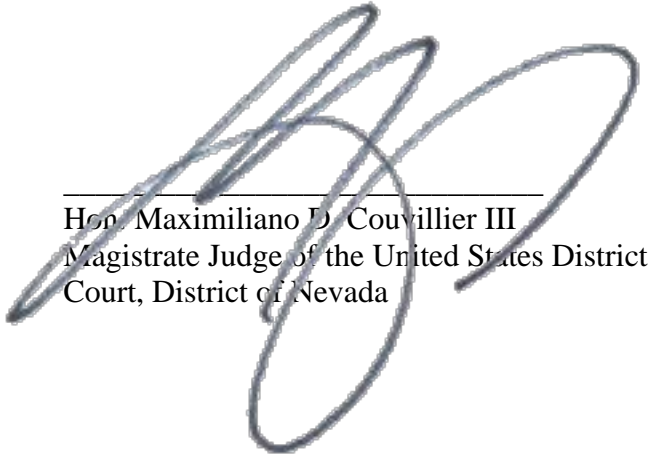
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[PROPOSED] ORDER

On review of the foregoing stipulation of the parties and finding good cause therefore, **IT IS SO ORDERED** that the deadlines are extended, as requested and written herein.



Hon. Maximiliano D. Couvillier III
Magistrate Judge of the United States District
Court, District of Nevada